

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

=====X
DERRICK JOHNSON

PLAINTIFF,

-AGAINST-

08 2520

COMPLAINT

Yael Properties, LLC
APEX FINANCIAL GROUP, INC.
HINSHAW & CULBERTSON, LLP.
DANIEL PORTMAN ESQ. RAMI EVGI, LLC.
ACCREDITED HOME LENDERS
BENJAMIN FUNDING CORP., MARCO MATERASSIE, P.C.
LEONARD H. GOLDNER, EAM LAND SERVICES, WM
SPECIALTY MORTGAGE, INC., DAVID ZION, DAVID LEVI,
JOHN DOE (APPRAISER) JODI STERN, ESQ. MARIANNE HRISOHOOS,
TITLE EXAMINER.

DEARIE, CH. J.

BLOOM, M.J.

DEFENDANTS.

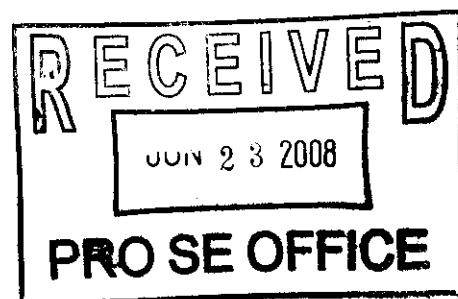
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**PLAINTIFF IN THE ABOVE CAPTIONED ACTION ALLEGED THE
FOLLOWING UNDER THE PENALTIES OF PERJURY, BEING DEPOSE AND
SAY:**

A.

JURISDICTION

1. This is a Civil Action seeking both declaratory and injunctive relief and or damages to plaintiff and protect the rights guaranteed by the United States Constitution. This action is brought pursuant to title 28 U.S.C. Section 2201 and 2202 of Chapter 151, 155 and 159 and that this Court has jurisdiction over this action pursuant to title 28 U.S.C. Section 1331 (3) and (4) of the federal code:



PARTIES INVOLVED

2. PLAINTIFF: DERRICK JOHNSON
ADDRESS: 148-17 SUTTER AVENUE,
SOUTH OZONE PARK, N.Y. 11436

Note: Additional Plaintiffs, if any, may be added on a separate sheet of paper.

3. DEFENDANT: Yael Properties, LLC.
ADDRESS: 119-16 JAMAICA AVENUE
RICHMOND HILL, N.Y. 11418
4. DEFENDANT: APEX FINANCIAL GROUP, INC.
ADDRESS: 801 W. BLOOMINGDALE AVENUE
BRANDON, FL 33511
5. DEFENDANT: HINSHAW & CUMBERTSON, LLP
ADDRESS: 15090 Avenue of Science,
SAN DIEGO, CA 92128
6. DEFENDANT: APEX FINANCIAL GROUP, INC.
ADDRESS: 801 W. BLOOMINGDALE AVENUE,
BRANDON, FL 33511
7. DEFENDANT: WM SPECIALTY MORTGAGE, LLC
ADDRESS: 19850 PLUMMER STREET,
CHATS WORTH, CA 91311
8. DEFENDANT: MARCO MATERASSI, P.C.
ADDRESS: UNKNOWN
9. DEFENDANT: JODI STERN
ADDRESS: UNKNOWN ATTORNEY
10. DEFENDANT: MARIANNE HRISOHOOS,
ADDRESS: UNKNOWN TITLE EXAMINER
11. DEFENDANT: DAVID LION

ADDRESS: UNKNOWN

12. DEFENDANT: DAVID LEVI
ADDRESS: UNKNOWN

Note: Plaintiff reserve the right to amend complaint upon the completion of discovery of the names, titles and service addresses of the unknown defendants and additional defendants, if any.

13. Previous Law Suits

☒ yes

☐ no

14. Exhaustion of Grievance:

Have you filed any grievance and/or exhausted any grievance with respect to this complaint, if so, explain? ☒ yes ☐ no.

Plaintiff was not informed by any person after obtaining a Quit Claim as to whom to contact as it relates to a grievance from these defendants, and because the property at issue was deed over to plaintiff from the original owner Huan Yu Chen, and other state court actions were made, it would appear that such grievance or exhaustion is being met.

15. **STATEMENT OF FACTS**

Plaintiff has attached all of his statements and fact surrounding this matter on a separate memorandum of law because of the length of the facts. See Attached Memorandum of Law.

16. **CAUSES OF ACTION**

THE FIRST CAUSE OF ACTION

PLAINTIFF'S RIGHTS UNDER THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT WILL BE VIOLATED IF DEFENDANTS ARE NOT DECLARED TO DISCHARGE THE EXISTING MORTGAGE WHICH WAS BASED UPON FRAUD, DELIBERATE CORRUPTION AND MISLEADING FACTS.

SECOND CAUSE OF ACTION

THAT PLAINTIFF RIGHTS SHOULD NOT BE INFRINGED UPON BY THE PREVIOUS HAPPENINGS AND WRONGDOINGS OF THE DEFENDANTS PARTICIPATION IN CIVIL CONSPIRACY AND DECEITFUL CONDUCT.

THIRD CAUSE OF ACTION

THAT THE DEFENDANTS' ACTIONS IN EVADING FEDERAL BANKING LAWS FOR A GAIN OR PROFIT MUST BE THE PURPOSE OF DISCHARGING THE ENTIRE MORTGAGE WITH PREJUDICE AND TO CAUSE FOR THE DAMAGES FOR SUCH FRAUD AND GRAND LARCENY ON A FEDERAL ACCOUNT.

FOURTH CAUSE OF ACTION

THAT BECAUSE THE PREVIOUS OWNER WAS NOT QUALIFIED FOR THE HIGH INTEREST MORTGAGE AND THAT THERE WAS NO REAL PROPERTY ON THE LOT, AND THAT DEFENDANTS KNEW OR SHOULD HAVE KNOWN THAT NO PROPERTY HAD EXISTED, THAT NO MORTGAGE SHOULD HAVE BEEN ISSUED OR APPROVED, THEREBY CAUSING THE DEED TRANSFERRING TO PLAINTIFF ALONG WITH THE LIABILITIES UNCONSTITUTIONAL AND WARRANT THAT DEFENDANTS BE RESPONSIBLE FOR ALL COST, DISCHARGE AND OTHER FEES IN CONNECTION WITH THE LOCAL CITY AGENCIES.

FIFTH CAUSE OF ACTION

THAT THE DEFENDANTS DID NOT USE CARE AND CAUTION WHEN THEY COVERTLY CAUSED FOR THE PREVIOUS OWNER TO PURCHASE AN EMPTY LOT ABSENT AN APPRAISAL OF THE

PROPERTY AND FOR THE APPRAISER TO ISSUE A COPY OF HIS OR HER REPORT TO MS. HUAN YU CHEN IN ORDER FOR THE OWNER TO INSPECT, REVIEW AND TO DETERMINE ON HER OWN WHETHER THE VALUE OF THE PROPERTY IS THE TRUE VALUE AND NOT THE INFLATED VALUE.

17. Relief and Prayer:

Plaintiff is seeking a declaratory judgment and injunctive relief from all state court judgments in foreclosure and a stay of such proceedings, and a declaration that the defendants collectively and individually participated in wrongful conduct while knowingly causing financial hardship and the rights of Huan Yu Chen, and because of the fact that the deed was turned over to the plaintiff, that such mortgage must be discharged in full effect and to warrant that all state, city and local taxes, water bills and other Health Clean-up violations, Housing Extermination, and Health inspection be paid off by the defendants with proof of payment to the Clerk of the United States District Court.

18. Further Relief Sought:

Plaintiff further seeks damages and relief in the amount of \$ \$ 650,000.00 dollars in punitive damages from each named defendant in his or her personal capacity or individual selves as well as their official capacities.

I DECLARE UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Signed on this 24th day of June, 2008 and that my signature is affixed therein for the purpose of process and that I am aware of the penalties of perjury



Derrick Johnson, Pro-Se